

widely in its extent as well as in its character from Great Britain or any European country, that to compel a registration of births would give a great deal of unnecessary trouble to our people. Where the country is small and the population very great, where that country, small as it is, is cut up into little parishes, each parish having its parish priest, its poor-laws and everything of the sort, and of course where every one belongs to this or that parish, they may require those minute details and be able to carry them out conveniently, having established churches and everything of that kind; but I do not see that we want them in a country like ours. I am not at all tenacious about it, if it is simply to do what may be necessary in order to secure the succession to an estate, to settle some such point in law, by recording marriages of people; but I would not force the people to unnecessary trouble and expense in things that seem to me non-essentials.

I suppose if you prove the marriage of A and B, and that C was the offspring of that marriage, it would matter very little at what time C was born. The rights of the heir inure as soon as he is born. If he had to wait until he was twenty, thirty or forty years of age before his rights would vest in him, it might be very important to prove the day on which he was born. But in all questions of law the thing material to be proved is the marriage of the parties. When you have proved that, it does not matter one whit whether C, their child, be three months or one hundred years old, so far as his legal rights are concerned. My amendment was offered merely to save people from unnecessary trouble and expense. I am not very tenacious about it.

Mr. STIRLING. I will modify my amendment by adding "or any judge of the orphans' court, or any mayor of any incorporated city in this State."

The question being taken upon the amendment of Mr. SANDS, it was rejected.

Mr. CHAMBERS asked for a division of the amendment.

The question being taken on the first branch of the amendment, to wit:

"Shall provide by law for the registration of births, marriages and death;"

It was agreed to.

The question being stated on the second branch of the amendment, to wit:

"And shall pass laws providing for the celebration of marriage between any persons legally competent to contract marriage."

Mr. MILLER demanded the yeas and nays, and they were ordered.

The question being taken, the result was—yeas 43, nays 26—as follows:

Yeas—Messrs. Goldsborough, President; Abbott, Annan, Audoun, Barron, Carter, Cunningham, Cushing, Daniel, Dellinger, Ecker, Farrow, Galloway, Harwood, Hatch,

Hopkins, Hopper, Jones, of Cecil, Kennard, King, Lansdale, Larsh, Markey, McComas, Mullikin, Murray, Nyman, Parker, Peter, Pugh, Purnell, Ridgely, Russell, Sands, Smith, of Carroll, Stirling, Stockbridge, Swope, Sykes, Thomas, Todd, Valliant, Wooden—43.

Nays—Messrs. Belt, Berry, of Prince George's, Blackiston, Bond, Briscoe, Brown, Chambers, Clarke, Dail, Davis, of Charles, Dent, Duvall, Earle, Hebb, Holliday, Horsey, Jones, of Somerset, Lee, Marbury, Mitchell, Miller, Morgan, Parran, Smith, of Dorchester, Sneary, Wilmer—26.

Mr. KENYARD, when his name was called, said: I regret to be under the necessity of explaining my vote; but as I voted last evening against this proposition and now intend to vote in its favor, I wish to say that I stated then that I agreed to the justice and fairness of the proposition, but thought it was a matter for the legislature and that the constitution should not be encumbered with it. As I have been informed since, that application has been made to the legislature time and again for the redress of this grievance, and always in vain, I vote upon the branch now before us "aye."

The second branch of the amendment was accordingly agreed to.

The question was then stated upon the third branch of the amendment, to wit:

"And shall provide that any persons prevented by conscientious scruples from being married by any of the existing provisions of law, may be married by any judge or clerk of any court of record, or any judge of the orphans' court, or any mayor of any incorporated city in this State."

Mr. CHAMBERS. The two gentlemen on my left and myself have served in the Senate, and no one of us have ever heard of this application of the Friends until to-day.

Mr. THOMAS. That may be, and still the application may have been made. I made my statement on the authority of the gentleman from Harford (Mr. Russell.)

Mr. RIDGELY. I move to strike out the words, "or any judge of the orphans' court." The words, "court of record" will embrace the whole idea, and we do not know that we shall have any orphans' court.

Mr. STIRLING. As I hope the convention will not abolish the orphans' court, I hope this amendment will not be adopted.

Mr. STOCKBRIDGE. I have only to say that the report of the judiciary committee will expressly declare them courts of record.

Mr. STIRLING. Then I am satisfied.

The amendment was agreed to.

The question recurred upon the adoption of the third branch of the amendment as amended.

Mr. BROWN demanded the yeas and nays, and they were ordered.